

Town of Nolensville  
Board of Mayor and Alderman Meeting  
Date: August 3, 2006, Time 7:00 p.m.  
Nolensville Elementary School

Mayor Tommy Dugger opened the meeting at 7:08 p.m. Members present were Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger, Larry Felts and Beth Weaver-Lothers. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 28 citizens present.

Mr. Willis Wells led the prayer and pledge.

Citizens Input:

Ms. Rebecca Leonard, owner of Leonard's Antiques at the Creamery in downtown Nolensville. She requested intervention from code violations in order to stay in business. She stated that they hate to close their doors. She stated that a list of code violations had been sent to the owner of the property. She knows for sure that one item cannot be resolved by the deadline of November 1<sup>st</sup>, which was the date in the letter. She asked the board why are they the victim? She questioned if these issues were related to what is going on at the feed mill. She noted that they had received every license that was needed to do business in Nolensville. Don Swartz, Michael Blanks, and Rich Woodroof have harassed them. These gentlemen have attacked several businesses. The Codes Department "needs to be gotten under control". She stated that if the town did not want businesses in the downtown historic area just please let them know.

Alderman Curtsinger asked what are the violations. Ms. Leonard stated that Mr. Woodroof could better answer that question.

Engineer Woodroof stated that per the 2003 International Building Code, the minimum requirements are a restroom and water fountain. There were other issues which the property owner had never pulled permits initially to do repairs. Once permits were pulled, the town was not contacted for the proper inspections. The property owner assumed it was up to codes.

Alderman Weaver-Lothers asked if there was a possibility to extend the deadline. Engineer Woodroof stated that as long as progress was being made the town would work with the property owner.

Ms. Leonard additionally asked why didn't Mr. Swartz or Mr. Woodroof address these issues when they were in the store on the first day the business opened. Mayor Dugger stated that they would meet with Ms. Leonard after the meeting to discuss this further.

Alderman Felts made a motion to approve the minutes from the regular meeting of July 6, Alderman Alexander seconded. Mayor Dugger noted that Mr. David Rowland made a statement that the bank must be collateralized with the State, and People's Bank was not collateralized. That was an incorrect statement made by Mr. Rowland.

Alderman Curtsinger stated that we violated the charter last month by approving Resolution #06-17 and this should be withdrawn. The charter states that this should be done by ordinance and was performed by Resolution. He noted that ordinance 96-03 was adopted naming First Tennessee Bank as the official depository. The vote was then taken and the minutes were approved unanimously.

Alderman Alexander made a motion to approve the treasurer's report that was before the board.

Mayor Dugger seconded. The report was approved unanimously.

Committee reports:

Mr. Willis Wells reported for the Planning Commission.

- Water availability was discussed
- Haley Lot 17 was approved
- Sam Donald Road issues were discussed
- Garage design was discussed
- Article 5 recommendations were approved
- Matt Happle reported for the Design Review Committee
- Mayor Dugger addressed the water system and Feed Mill
- Bond report was accepted

There was no report for the Historic Commission due to Ms. Betty Friedlander's absence

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Calls are continually increasing
- Burn permits have been banned
- Five members are attending First Responders Class

Rich Woodroof reported for the Code's Department

- 40 residential permits issued
- 43 mechanical permits issued
- 43 plumbing permits issued
- 400 - 450 building inspections performed
- Inspections for new school will be performed by town

Town Planner Henry Laird stated that Florence and Hutcheson is currently doing an inventory of roads in Nolensville and the Urban Growth Boundary. Traffic data is being obtained and hopefully within a couple of months this study will be completed.

Alderman Curtsinger asked if they could perform larger studies to encompass parks and schools. Mr. Laird stated that he felt those studies could be performed at an additional cost, although this contract is specifically for roads.

Alderman Weaver-Lothers commended Rich on the job that has been performed on Bent Creek, but would like to show him some minor areas of concern.

Chief Paul Rigsby reported for the Police Department

- A written report was submitted
- Officer Jon Tucker was sworn into office

Mayor Dugger reported for the Public Works Department

- A written report was submitted to the board

Mayor's report:

Mayor Dugger noted that a bid for Waller Road has been received and it is approximately

\$40,000 more than the initial bid. Alderman Curtsinger stated that he felt the town has made the obligation to repair Waller Road. He further inquired if the portion on Split Log had been removed from the estimate. Engineer Woodroof noted that this bid is not just to repave, but also to rebuild.

Public hearing on Ordinance #06-12, an ordinance to amend the zoning Ordinance 04-09, of the Town of Nolensville to address non-conforming uses opened at 7:52. Counsel Notestine noted that agenda items 8, 9 and 10 were public hearings. He then instructed the audience on the process of an ordinance. Mr. Laird noted that this ordinance relates to non-residential uses and brings the town in line with state law.

Mr. Larry Gardner, York Road, asked if this was currently a problem. Mr. Laird stated that mostly the property in the northern town limits is being affected. Counsel Notestine clarified non-conforming uses to the board. Public hearing closed at 7:56.

Public hearing of Ordinance #06-13, an ordinance to amend the zoning ordinance 04-09, of the Town of Nolensville to address Historic Zoning Commission opened at 7:56. Counsel Notestine noted this is an ordinance that addresses issues in regards to the Historic Zoning Commission. There was no public comment. The public hearing closed at 7:57.

Public hearing of Ordinance #06-14, an ordinance to amend the zoning map of the Town of Nolensville to amend an area currently zoned Suburban Residential (SR) to Commercial Services (CS) with a Commercial Corridor Overlay (CCO) opened at 7:57. Planner Henry Laird noted this is rezoning of property known as "Darks".

Mr. Roger Jenkins, 1692 Sunset Road, asked if a piece of property was in the floodplain. Engineer Woodroof stated that if that property were in the floodplain it would be addressed prior to anything being built at that location. Public hearing ended at 7:59.

Second reading of Ordinance #06-15, an ordinance to regulate the floodplain. Mayor Dugger noted that this ordinance is being withdrawn due to the reading of ordinance #06-17.

First reading of Ordinance #06-16, an ordinance to amend the zoning ordinance to regulate garage entry design. Mr. Laird described this ordinance noting limiting front entry garages. Alderman Weaver-Lothers made a motion to approve this ordinance, Alderman Felts seconded. Alderman Alexander made a motion to amend the last statement to read: "\*\*\*Lots on the preliminary and final plats shall be designated as to garage entry types", Alderman Weaver-Lothers seconded. This amendment passed unanimously.

Alderman Alexander clarified that this ordinance regulates future developments and not approved developments. Planner Laird stated that this is correct. Alderman Curtsinger asked if this would apply to SR zone or would it be optional? Planner Laird stated that it would apply. The vote was then taken and passed unanimously on the ordinance as amended.

First reading of Ordinance #06-17, an ordinance to amend the zoning ordinance to participate in the National Flood Insurance Program. Engineer Woodroof described this ordinance. Alderman Curtsinger clarified that this ordinance does not change the current cut and fill standards. Engineer Woodroof stated that it does not change those standards. Mayor Dugger noted that these changes were initiated by FEMA. Alderman Felts made a motion to approve this ordinance, Mayor Dugger seconded and this passed unanimously.

First reading of Ordinance #06-18, an ordinance to adopt a code of ethics. Alderman Felts noted that the consensus of the Monday night meeting with the Board of Mayor and Aldermen and Town Commissions, the MTAS version of the Code of Ethics be adopted. He noted that Thursday morning a meeting was held in Smyrna and he was given a copy of their version. He stated that everyone knows that he has spent several hours on a code of ethics prior to the MTAS version. Alderman Felts made a motion to adopt the MTAS version code of ethics, Alderman Curtsinger seconded.

Alderman Felts stated that he would like to add the preamble of his version to the MTAS document; he read the preamble as follows:

“The citizens of Nolensville are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity. Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. To this end, the Town of Nolensville Board of Mayor and Aldermen adopts this Code of Ethics for the Town of Nolensville to assure public confidence in the integrity of local government and its effective and fair operation.”

Mayor Dugger asked for citizen's input.

Mr. Aubrey Short, 803 Rockwood Drive, noted that he had addressed the Board at the workshop and emailed the board regarding his reading of the code of ethics from MTAS. He noted that he examined the referenced TCA. Mr. Short stated that this is a very good document and feels that the town should adopt the MTAS version. I respectfully ask that the board adopt this code of ethics with Alderman Felt's preamble.

Counsel Notestine noted that if the board does adopt the preamble, it could easily be placed into Section 1. Alderman Felts made a motion to insert the preamble into the code of ethics document, Alderman Weaver-Lothers seconded this amendment. The vote was taken on the amendment and passed unanimously.

Alderman Curtsinger stated that he felt the MTAS document was a good version.

Alderman Felts made a motion to include the code of ethics into the Oath of Office taken by the Board when elected. Alderman Curtsinger noted that when the oath is taken it states that the elected official will uphold the laws of the town and the state. This statement would include this ordinance.

Alderman Weaver-Lothers noted she liked some points within Alderman Felts document. Counsel Notestine noted that amendments could be made and brought before the final reading.

Alderman Weaver-Lothers commended Alderman Felt's hard work. Mayor Dugger echoed these statements.

The vote was taken with unanimous approval on the ordinance as amended.  
Other:

Mayor Dugger gave Alderman Weaver-Lothers the town's condolences on the recent passing of her mother.

Mrs. Lynda Moses thanked Chief Rigsby for putting the statistics on the Nolensville.net website. She additionally thanked Mayor Dugger for going around the room at the workshop to ask for every ones input on the code of ethics. She further stated that she attended the last Planning Commission meeting and spoke about apartments over the Mill. This has caused her some pain. She stated that the merchants need some consideration. She asked if the town could apply for a grant to assist our downtown merchants. She ask that the board have a meeting with the merchants.

Alderman Weaver-Lothers noted that Carla Ediger and herself would be attending a grant writing conference and may be able to retrieve some information to assist the down town area. Mayor Dugger stated that he would try to have a town meeting sometime in the month of August.

With no further business, Mayor Dugger made a motion to adjourn, Alderman Felts seconded, and the meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Walter T. Dugger, III  
Mayor